बलात्कार के मामले

*410. **श्री कपिल सिब्बल** :

श्री राम जेठमलानी :

क्या गृह मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या दिल्ली में बलात्कार के मामलों की पुलिस जांच और न्यायालयों में सुनवाई के बाद निर्णय में लगने वाले समय का सरकार द्वारा कोई आकलन कराया गया है ;

(ख) यदि हां, तो वर्ष 1999-2000, 2000-2001 के दौरान पुलिस को बलात्कार के मामलों की जांच में औसतन कितना समय लगा है ; और

(ग) इन वर्षो के दौरान प्रकाश में आए बलात्कार के मामलों तथा न्यायालयों में भेजे गए मामलों का ब्यौरा क्या है ?

गृह मंत्री में राज्य मंत्री (श्री चेन्नामनेनि विधासागर राव) : (क) से (ग) एक विवरण सदन के पटल पर रखा जाता है ।

विवरण

(क) से (ग) राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार ने बलात्कार के मामलों का निपटारा करने में लगने वाले समय के बारे में कोई औपचारिक अध्ययन नही किया है । तथापि, इस प्रकार के मामलों में निर्णय लेने में न्यायालयों को सामान्यत: 1 से 4 वर्ष तक का समय लगता है ।

बलात्कार के मामलों की जांच पड़ताल करने में लगने वाला समय प्रत्येक मामले में अलग-अलग होता है, जो प्रत्येक मामले के तथ्यों और परिस्थितियों पर निर्भर करता है । तथापि, पिछले तीन सालों और 30 नवम्बर, 2002 तक सूचित इस प्रकार के मामलों की जांच पड़ताल पूरी करने में दिल्ली पुलिस द्वारा लिया गया औसतन समय, लगभग तीन माह है । इस अवधि के दौरान दिल्ली पुलिस को सूचित किए गए बलात्कार के मामलों की संख्या के ब्यौरे और उनकी वर्तमान स्थिति, संलग्न विवरण । में दी गई है ।

विवरण – 1

पिछले तीन वर्षो और 30 नवम्बर, 2002 तक दिल्ली पुलिस को सूचित किए गए बलात्कार के मामलों की संख्या और उनकी वर्तमान स्थिति का विवरण

वर्ष	सूचित	रद्द	स्वीकृत	न्यायालय में चालान	जांच के लिए लंबित	पता न लगे के रूप में भेजे गए
1999	411	23	388	375	01	12
2000	455	20	435	412	04	19
2001	394	11	383	349	24	10
2002 (30.11.02 तक)	368	03	365	172	193	-

Rape cases

†*410. SHRI KAPIL SIBAL:††
SHRIRAMJETHMALANI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether any assessment has been made by the Government in regard to the time taken in adjudication of rape cases after police investigation and the beaming in courts, in Delhi;

(b) if so, the average time taken for investigation in rape cases by police during 1999-2000 and 2000-2001; and

(c) the detail of rape cases that came to light and the details of the cases referred to the court during these years?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHENNAMANENI VIDYASAGAR RAO): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) to (c) The Government of National Capital Territory of Delhi have not made any formal study of the time taken in adjudication of rape cases. However, it normally takes the courts 1-4 years to decide such cases.

The time taken for investigation for rape cases varies from case to case depending on the facts and circumstances of each case. However, the average time taken by Delhi Policy to complete investigation in such cases reported during the last three years and upto 30th November, 2002 was about three months. The details regarding the number of rape cases reported to Delhi Police during the same period and their present status is indicated in the enclosed Statement-1.

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†Original notice of the question was received in Hindi.
††The question was actually asked on the floor of the house by Shri Kapil Sibal.

Statement-I

Statement indicating the number of rape cases reported to Delhi Police during the last three years and upto 30th November, 2002 and their present status

Year	Repor-ted	Cancel-led	Admitted	Challn-ed in Court	Pending Investi-gation	Sent as untraced
1999	411	23	388	375	01	12
2000	455	20	435	412	04	19
2001	394	11	383	349	24	10
2002 (upto 30.11.02	368	03	365	172	193	-

SHRI KAPIL SIBAL: Mr. Chairman, Sir, during the last one year or so, we have seen brutalisation of women in public. We have seen a very, very unfortunate incident of a mentally challenged minor being raped in a local train in Mumbai; we have known the rape case of Khooni Darwaja, where a student belonging to the Maulana Azad Medical College, was brutalised; and we find that incidents of rape have increased. In fact, in 1977, the figure was 15,300 odd, and in the year 2000, the figure is over 16,000. So, this is a matter of great concern. The question that I have, through you. Sir, is that, I find that in most of these cases, the litigation goes on, the prosecution goes on for several years; sometimes, for 4-5 years, and in some instances that I know of, for 10 years. Is there any special way of expediting, or maybe, thinking in terms of special courts being set up, because, we are dealing with a section of population that needs our immediate attention at this point of time? And we need, therefore, special ceils, intervention celts, not just in Delhi, where the police has set them up, but, they are not activated, but, throughout the country. Instead of the victim having to go to the police, it is the police that must go to the victim. Would the hon. Minister respond to this query?

SHRI CHENNAMANENI VIDYA SAGAR RAO: Sir, this question pertains to Delhi. So far as Delhi is concerned, in all the districts, special cells have already been constituted. So far as the question of providing justice expeditiously is concerned, in the Home Ministry, we have appointed a committee, under the chairmanship of Dr. Justice V.S. Malimath, to make specific recommendations on simplifying the judicial process and practices and making the delivery of justice to the common man closer, faster, uncomplicated and also inexpensive. This Committee has already been constituted.

SHRIKAPIL SIBAL: Sir, the Malimath Committee will give its report, and then the Government will think about it! This is going to take years.

Deputy Prime Minister, in charge of the Ministry of Home Affairs (SHRI L.K. ADVANI): Mr. Chairman, Sir, I am sure, the entire House is concerned about this problem, and the Government fully shares the anguish of the Members that this matter is something which has to be dealt with, apart from the other problems of criminal justice. In this matter, I can inform the House that the Delhi Police has already sent a proposal to the Government of the National Capital Territory of Delhi to move the Delhi High Court for the establishment of one special court each in the three court complexes in Delhi to try rape cases. This has been moved, and I am sure that, with the establishment of these special courts, the pace of disposal of these cases would be expedited.

SHRI KAPIL SIBAL: Mr. Chairman Sir, I have another supplementary. This issue, which is connected with rape, and is very much concerned with rape, arises from the sale of girl child that is taking place all over the country. In fact, the international community has also noted this matter.Now, I believe that the concept of rape and definition of 'rape' needs to be widened, because ultimately, the girl child is sold for the purpose of sexually abusing her, and this is a form of rape. Therefore. I would like the hon. Minister to respond to this: whether the definition of 'rape' itself should include trafficking in young girls for the purpose of sexually abusing her and whether it amounts to rape itself. Would the hon. Minister respond to this?

SHRI L.K. ADVANI: Sir, I would only say that connected with this problem of rape is the question of trafficking in women, and on that also, the Government is thinking. But so far as the law is concerned and the definition of 'rape' is concerned, we would like the Law Commission and the Women's Commission to give us their recommendations on whether the definition of 'rape' needs to be widened or not. At the same time, I would only say this is a matter, which is receiving continued attention of the Government. Only this week, this House has had the occasion to amend the law of evidence relating to rape victims. That is something that would help the process of doing justice.

SHRI KAPIL SIBAL: Mr. Chairman, an Ordinance can be brought into the House to look into this aspect of girl child trafficking.

SHRI L.K. ADVANI: We need to have a consensus on the definition of 'rape' also.

SHRI KAPIL SIBALYes, exactly. This kind of offence of trafficking in young girls amounts to perpetrating it.

SHRIMATI AMBtKA SONl: Sir, the hon. Minister just replied that a new committee is being contemplated to be set up. I just want to ask him one thing. The National Commission for Women had submitted a very detailed and comprehensive report on the atrocities committed against women, including a very detailed analysis on rape. That report has not seen the light of day. I would like to know why the report submitted by the National Commission for Women has not merited any consideration by the Government.

SHRI CHENNAMANENIVIDYA SAGAR RAO: Sir, pursuant to the report, a number of steps have been taken. In most of the district headquarters, women cells have been constituted; women constables have been deputed. Secondly, whenever any complaints are received, or any such incidents occur, the police officers go to the house of the complainant and take charge of the situation.Thus, a number of prohibitive steps have been taken in keeping with the recommendations made by the Commission.

SHRIMATI AMBIKA SONl: My question was entirely different. My question was that the National Commission of Women had submitted a detailed report on the atrocities committed against women, including rape; why has that report not seen the light of day? Where is that report?

SHRI L.K. ADVANl: So far as the report of the National Commission of Women is concerned, it is receiving the attention of the Government. But, I do not know about the placing of the report, because it is another Ministry, which deals with it. But we have been dealing with the recommendations made by the Commission, which are related to Delhi Police or the Police. So far as laying the report on the Table of the House is concerned, 1 would find it out and inform the House.

श्री संघ प्रिय गौतम :सभापति जी, परसों भारत साक्ष्य अधिनियम में संशोधन के समय सदस्यों ने यह चिंता व्यक्त की थी बलात्कारी को कठोर दंड देना चाहिएअ । मृत्यु दंड हो या कोड़ो की सजा हो, माननीय उप प्रधान मंत्री जी ने भी किसी अवसर पर इस तरह की कोई बात शायद कही थी कि कठोर दंड मिलना चाहिए । मैं यह पूछना चाहता हूं कि जो एक सामाजिक दंड किया जाता था इस तरह के लोगो को जिसे हम थर्ड रेट मैथड कहते है, उसमें क्या बात है कि क्योंकि यह दंड साक्ष्य के अभाव में किसी को नही मिलने वाला और सब साक्ष्य को बिगाड़ देते है, तोड़ देते है

और किसी को दंड मिलेगा ही नही । तो जो सामाजिक दंड होता था उसमें क्या आपत्ति है और कठोर दंड के लिए क्या प्रावधान बना रहे है ?

श्री लाल कृष्ण आडवाणी : किसी समय पर जब यह मांग की गई थी कि बलात्कार के लिए मृत्युदंड दिया जाए तो मैंने कहा था कि अगर उस पर सहमति हो और राज्य सरकारें भी सहमत हों तो केन्द्रीय सरकार को आपत्ति नही है लेकिन मैंने उस समय यह भी बताया था कि बहुत सारी महिला संस्थाओं की ओर से आशंका प्रकट की गई थी कि इस प्रकार की व्यवस्था करने से जो बलात्कार की शिकार महिला होगी, उसके मारे जाने की संभावना बढ़ेगी, इसलिए मृत्युदंड की बात न करके फ़िर इसी सदन में या दूसरे सदन में यह कहा गया कि पब्लिक फ़लॉगिंग होनी चाहिए, पब्लिक व्हिपिंग होनी चाहिए, ऐसे प्रस्ताव रखे गए है, उन सब पर विचार होता रहता है । यह जरूरी है कि कठोर दंड दिया जाए और उसकी व्यवस्था आज भी है ।

SHRI SANGH PRIYA GAUTAM:This is what I have asked. MR. CHAIRMAN: Shri Ram Jethmalani. He is not here.

श्री सभापति : प्रश्न संख्या 411

श्री राजू परमार : सर,मैं रक्षा मंत्री जी से कोई क्वेश्चन नही करना चाहता क्योंकि उनके खिलाफ़ अभी तक काफ़ी आरोपों का जजमेंट आना है । इसके बावजूद भी वे अपने पद से चिपके हुए है, तो मेरी conscience ऐलाऊ नही करती है ।

श्री सभापति : आप प्रश्न नही करना चाहते है तो आपकी मरज़ी की बात है । श्री भगत राम मनहर **...(व्यवधान)...**

श्री राजू परमार : सर, मेरी conscience ऐलाऊ नही करती है कि मैं उनसे क्वेश्चन पूछूं ।

श्री सभापति : श्री भगत राम मनहर नही है ।

श्री लाल कृष्ण आडवाणी : सभापति जी, जिस प्रकार से प्रश्न काल चलाने में आपने इतनी सफ़लता पाई है कि कभी कभी तो बीस – बीस सवाल हो जाते है, जब कि पूर्व में तीन – चार सवालों में ही प्रश्न काल का समय पूरा हो जाता था, मैं चाहूंगा कि रक्षा मंत्रालय के सवालों के बारे में भी कुछ व्यवस्था कर ली जाए आप सदस्यों को बुलाकर बात कर लें क्योंकि यह किसी भी प्रकार से सदन के लिए सम्माननीय नहीं है कि इस प्रकार से सदन सवाल पूछे जाएं और फिर उनको परस्यू न किया जाए या तो फ़िर सवाल किया ही न जाए । **...(व्यवधान)...**

श्री सभापति : माननीय सदस्य बैंठे ... आप बैठ जाइए । **...(व्यवधान)...**

श्री रवि शंकर प्रसाद : आप सवाल क्यों पूछते है ? **...(व्यवधान)...**

श्री सभापति : माननीय सदस्य बैठें **...(व्यवधान)...**

श्री एस.एस. अहलुवालिया : यह सदन का अपमान है ।

श्री सभापति : आप बैठ जाइए । **...(व्यवधान)...**

श्री रवि शंकर प्रसाद : रक्षा मंत्रालय के सवाल मत पूछिए ।

श्री एस.एस. अहलुवालिया : यह देश का अपमान है ।

श्री सभापति : आप बैठ जाइए । देखिए, उप प्रधान मंत्री जी ने जो बात कही है, मैं आप लोगो से इस संबंध में जल्दी ही बात करूंगा । **...(व्यवधान)...**

श्री जीवन राय : नुकसान बहुत होता है, उनको रिज़ाइन करना चाहिए । **...(व्यवधान)...**

श्री राजू परमार :मेरी conscience ऐलाऊ नही करती है । **...(व्यवधान)...**

श्री संघ प्रिय गौतम : सवाल क्यों पूछते हो ?

*411 Withdrawn.

Representation of minorities in police/para-miiitary forces

*412. SHRIK. RAHMAN KHAN: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether National. Commission for Minorities and National Integration Council have recommended a police force with adequate representations of minorities therein; and

(b) if so, the action taken to implement the recommendations?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS {SHRI I.D. SWAMI): (a) and (b) A Statement is laid on the Table of the House.

Statement

(a) The National Commission for Minorities made the following recommendations in their Annual Report for year 1995-96.

(i) Relaxation of educational and other qualifications in the case of minority communities candidates for recruitment to th© Central Police Forces on the lines of similar relaxations granted to the SC/ST candidates.

(ii) Relaxation of the educational & the other qualifications in the case of minority communities candidates for recruitment to